

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KENNY CHESNEY,)
)
Plaintiff,) **No. 3:14-cv-00154**
)
v.) **Judge Nixon**
) **Magistrate Judge Knowles**
HARNEET PASRICHA d/b/a)
COUNTY WEST and T.M.) **JURY DEMAND**
ENTERPRISES NY INC. a/k/a)
T.M. ENTERPRISES INC. a/k/a)
T & M ENTERPRISES,)
)
Defendants.)

INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION: The court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 1338(b), and 1332(a), diversity jurisdiction pursuant to 28 U.S.C. §1332(a), and supplemental jurisdiction pursuant to 28 U.S.C. § 1337.

B. BRIEF THEORIES OF THE PARTIES:

1) PLAINTIFF: Plaintiff alleges that Defendants are infringing his trademarks, copyright, and rights of personal publicity under federal and state law, have breached a settlement agreement between the parties, and are engaging in unfair competition and fraud by having advertised and sold, and continuing to advertise and sell, goods bearing Plaintiff's trademarks, copyrights, name, image, and/or persona. Plaintiff seeks a declaratory judgment that Defendants' actions are infringing; a permanent injunction against Defendants; impoundment and destruction of all infringing goods; statutory, contractual, and common law

damages; and attorneys' fees and interest, as provided by statute and the contract between the parties.

2) DEFENDANT: Defendants deny that they have breached the contract between the parties, and deny that they are infringing on Plaintiff's trademarks, copyrights, and/or rights of personal publicity.

C. **ISSUES RESOLVED:** Jurisdiction.

D. **ISSUES STILL IN DISPUTE:** Liability and damages.

E. **INITIAL DISCLOSURES:** The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before May 1, 2014. **Deadline for filing**

Motions to Amend the Pleadings is August 1, 2014.

F. **DISCOVERY:** The parties shall complete all written discovery and depose all fact witnesses on or before September 1, 2014. Discovery is not stayed during dispositive motions, unless ordered by the court. **The deadline for filing discovery-related**

Motions regarding fact discovery is September 10, 2014.

G. **DISCLOSURE OF EXPERTS:** The plaintiff shall identify and disclose all expert witnesses and expert reports, if any, on or before October 1, 2014. The defendant shall identify and disclose all expert witnesses and reports, if any, on or before November 1, 2014. Rebuttal experts, if any, shall be identified and disclosed (along with expert reports) on or before December 1, 2014.

H. **DEPOSITIONS OF EXPERT WITNESSES:** The parties shall depose all expert witnesses on or before February 1, 2015.

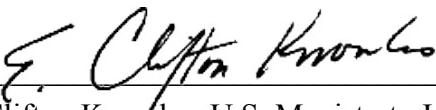
I. **JOINT MEDIATION REPORT:** The parties shall file a joint mediation report on or before January 16, 2015.

j. Dispositive Motions: The parties shall file all dispositive motions on or before April 1, 2015. Responses to dispositive motions shall be filed within twenty (20) days after the filing of the motion. Optional replies may be filed —
within ten (10) days after the filing of the response. Briefs shall not exceed 20 pages except upon leave of court. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the jurisdiction for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

K. **ESTIMATED LENGTH OF TRIAL:** The parties have demanded a jury trial and estimate the length of the trial to be approximately two (2) weeks.

The trial is set for August 18, 2015, before Judge Nixon. The pretrial conference is set for August 7, 2015, at 10:00 a.m.

IT IS SO ORDERED.



E. Clifton Knowles, U.S. Magistrate Judge